

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
<b>vs.</b>	)	<b>Case No. 4:20-CR-00212</b>
	)	
<b>DEBRA LYNN MERCER-ERWIN (1)</b>	)	
<b>KAYLEIGH MOFFETT (2)</b>	)	
	)	
<b>Defendants.</b>	)	

**JOINT MOTION TO ALTER CONDITIONS OF PRETRIAL RELEASE**

Defendants Debra Lynn Mercer-Erwin (“Ms. Mercer-Erwin”) and Kayleigh Moffett (“Ms. Moffett”) (collectively referred to as the “Defendants”), by and through their attorneys, Joe E. White, Jr. and W. Brett Behenna, respectively, file this Motion to Alter Conditions of Pretrial Release and allow the Defendants to continue to work in their companies as they have done for the past two years with government approval. In support of their Motion, the Defendants state as follows:

1. The Defendants are both residents of the State of Oklahoma.
2. Since 2014, Ms. Mercer-Erwin has been the owner of Aircraft Guaranty Corporation Holdings (“AGC”) and Wright Brothers Aircraft Title, Inc. (“WBAT”). Ms. Moffett, Ms. Mercer-Erwin’s daughter, has been an employee of both AGC and WBAT.
3. AGC provides Federal Aviation Administration (“FAA”) registration and trust services to individuals who own aircraft. AGC assists aircraft owners with the FAA registration, licensing, and trust-related matters. In its day-to-day operations, AGC, through the Defendants, work closely with the FAA to ensure safe and appropriate operation of hundreds of private aircraft.

4. The Defendants were arrested on December 18, 2020, and released on December 30, 2020.

5. Since their release, the Defendants have continued running the day-to-day operations of AGC and WBAT **with the agreement and cooperation of the government**. Due to the importance of their positions as they relate to the hundreds of aircraft held in trust, the government has allowed them to continue working. The Defendants have daily communications with Special Agent Paul Mack of the United States Department of Commerce, Bureau of Industry and Security regarding the business dealings of the aircraft AGC holds in trust as well as daily communications and dealings with the FAA. All of these business relationships are imperative to the safe and regulatory operations of, not just AGC and WBAT, but the hundreds of aircraft in AGC's trust.

6. Despite the government's willingness to allow the Defendants to continue working for over two years, now, for no apparent reason, on March 2, 2023, the federal prosecutor assigned to this case has removed the government's approval. See e-mail correspondence attached as Exhibit 1.

7. In addition to working under government supervision for years, the Defendants have not violated any of the terms and conditions of their pretrial release.

8. The effects of the government's reckless decision to penalize the Defendants by not allowing them to work productively are already being felt by the FAA and private aircraft owners.

9. Pretrial release of the Defendants is designed to "reasonably assure the appearance of the person as required" and to ensure that the Defendants will not "endanger the safety of any other person or the community." 18 U.S.C. §3142(b). See also Fed. R. Crim. P. 46(a).

10. Conditions of release are to be the “least restrictive” and often require the Defendants to “maintain employment.” 18 U.S.C. §3142(c)(1)(B). See also Fed. R. Crim. P. 46(a).

11. The government’s position that the Defendants are suddenly not allowed to continue working in their legitimate, government supervised business is inconsistent with the legislative intent behind pretrial release as codified in 18 U.S.C. §3142 and in the Federal Rules of Criminal Procedure.

12. The government has no basis in truth or fact to now remove what it has acquiesced to for years, that is, that the Defendants remain gainfully employed. Here, on the eve of trial, the only basis for the government to so move is to punish, intimidate, and financially bankrupt the Defendants.

13. It is imperative and urgent that the Defendants be allowed to work not only for their own financial stability but also for the safety and regulation of hundreds of aircraft in trust with their companies.

14. The Defendants respectfully request that this Court enter an Order as quickly as is possible allowing the Defendants to continue in their employment as they have done, with the government’s blessing, for more than two years since their release.

WHEREFORE, the Defendants respectfully request that the Court enter an Order allowing them to continue to work in the day-to-day operations of AGC and WBAT.

Respectfully submitted,

s/ Joe E. White, Jr.

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**CERTIFICATE OF DELIVERY**

☒ I hereby certify that on this 14<sup>th</sup> day of March, 2023, I electronically transmitted the foregoing document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing, which will automatically send e-mail notification of such filing to all attorneys of record.

s/ Joe E. White, Jr.  
JOE E. WHITE, JR.

**CERTIFICATE OF CONFERENCE**

Pursuant to United States District Court for the Eastern District of Texas Local Rule CR-47(a)(3), on March 14<sup>th</sup>, 2023, defense counsel for the Defendant Debra Mercer-Erwin has attempted to confer with Ernest Gonzalez, Assistant United States Attorney in a good faith effort to resolve the matter without Court intervention. Defense counsel has not received a response and due to the urgency of this motion must advise the Court that the United States opposes it.

s/ Joe E. White, Jr.  
JOE E. WHITE, JR.